



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Thomas N. Giaccherini, et al.

Examiner:

Serial No.:

09/688,997

Group Art Unit: 2132

RECEIVED

Title:

**Method for Utilizing** 

**Excess Communications Capacity** 

DEC 0 2 2003

Technology Center 2100

Filed:

16 October 2000

#### CERTIFICATE OF MAILING UNDER 37 C.F.R. SECTION 1.8

The undersigned hereby certifies that this document is being deposited with the United States Postal Service in accordance with the provisions of 37 CFR Section 1.8 on the date indicated below and is addressed to The Commissioner for Patents, Mail Stop DD, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Thomas N. Giaccherini, Registration No. 31,075

24 Nov

SECOND DISCLOSURE STATEM

The Commissioner for Patents Mail Stop DD P.O. Box 1450 Alexandria, Virginia 22313-1450 Sir:

The Applicants submit this Second Disclosure Statement and completed Form PTO/SB/08A for their pending U.S. Patent Application.

Second Disclosure Statement for U.S. Patent Application entitled Method for Utilizing Excess Communications Capacity HMD2000-1-CIPA Page 2

#### DISCLOSURE DOCUMENTS

- U.S. Patent No. 5 864 557 issued to Lyons discloses a transport stream encoder, which comprises a plurality of component signal sources.
- U.S. Patent No. 5 406 626 issued to Ryan discloses a radio receiver for information dissemination using sub-carrier.
- U.S. Patent Application No. 2002/004 2919 is a Pending Continuation-in-Part Patent Application filed by the Assignee of the Present Application, and has a filing date later than the Present Application.
- U.S. Patent No. 6 029 045 issued to Picco discloses a System and Method for Inserting Local Content Into Programming Content.
- U.S. Patent No. 6 366 761 issued to Montpetit discloses a Priority Based Bandwidth Allocation and Bandwidth-on-Demand in a Low-Earth-Orbit Satellite Data Communication Network.
- U.S. Patent No. 5 652 795 issued to Dillon discloses a Method and Apparatus for an Adapter Card Providing Conditional Access in a Communication System.

Second Disclosure Statement for U.S. Patent Application entitled
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PCT International Patent Application Publication No. WO 97/18651 owned by Hughes Aircraft Company discloses a method and apparatus for an adaptor card for use in a computer to provide conditional access by the computer to incoming data streams.

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### **CONCLUSION**

A completed PTO/SB/08A accompanies this Second Disclosure Statement.

The Applicants submit that none of the documents described above disclose the Invention as claimed in the present Patent Application. The Applicants believe that no fee is required to submit this Second Disclosure Statement.

Respectfully Submitted,

Thomas N. Giaccherini,

Applicants' Attorney

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Registration No. 31,075

Thomas N. Giaccherini

Post Office Box 1146 Carmel Valley, California 93924 831.659.5300 techlaw@ix.netcom.com

Mailed to the United States Patent Office on Monday, 24 November 2003 with a Rule 8 Certificate of Mailing.

24 Nor 2003.

PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known				
Application Number	09/688 997			
Filing Date	16 OCT 2000			
First Named Inventor	GIACCHERINI			
Art Unit	2132			
Examiner Name				
Attorney Docket Number	HMD2000-1-CIPA			

			U. S. PATENT	DOCUMENTS	
Examiner Initials*	Cite No.1	Document Number  Number-Kind Code <sup>2 (f known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 5 864 557		LYONS	
		<sup>US-</sup> 5 406 626		RYAN	• •
		<sup>US-</sup> 2002/ 004 2919		STURZA	
		<sup>US-</sup> 6 029 045		PICCO	RECEIVED
		<sup>US-</sup> 6 366 761		MONTPETIT	
		<sup>US-</sup> 5 652 795		DILLON	DEC 0 2 2003
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		FORE	<b>IGN PATENT DOCU</b>	JMENTS		
Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages	
		Country Code <sup>3 -</sup> Number <sup>4 -</sup> Kind Code <sup>5</sup> (if known)	MM-DD-YYYY		Or Relevant Figures Appear	Τ°
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Signature		Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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